

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 2585 OF 1996

THE BOARD OF TRUSTEES OF
THE PORT OF BOMBAY ... PLAINTIFFS.
VS.
M/S. HUKUMCHAND KARANKUMAR
PVT. LTD. ... DEFENDANTS.

MR. V.J.MAKHIJA I/B. MULLA & MULLA FOR THE PLAINTIFFS.
NONE FOR THE DEFENDANTS.

Coram : S.K.Shah, J.
Date : December 8, 2005.

P.C.:-

1. Heard.

2. This is undefended Suit against the defendants. The Plaintiff have filed the affidavit and compilation of the documents in support of their claim.

3. The Plaintiffs have filed this Suit for recovery of wharfage, demurrage and other charges in respect of the goods landed and stored by the Plaintiff in the Docks at Bombay according to the scale of rates duly prescribed, published and brought into force under the relevant provisions of the Act and to realise the charges by sale of the consignment.

4. The Plaintiffs have sold the goods and the sale proceeds were adjusted towards the wharfage, demurrage and other charges and claimed deficit, after adjusting the sale proceeds to the tune of Rs. 52, 724.99 Ps. with interest.

5. In support of the claim, the Plaintiffs have produced on record copy of Import general Manifest NO. 1041, copy of demand letter alongwith acknowledgement, copy of notice of sale published in Government Gazette, copy of demand and final notices addressed to the defendants, dated 12.12.1995. Despite this, the defendant did not pay the balance deficit amount and hence, the Plaintiffs have filed this Suit.

6. In view of the aforesaid documents, the Plaintiffs have proved their claim. Hence, the Order :-

ORDER

(1) The Plaintiffs Suit is decreed in terms of prayer clause (a) with costs.

(2) Decree be drawn up accordingly.

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[S.K.Shah , J.]